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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

LAFAYETTE DIVISION

MARIANNE JOYE, ET AL.

CIVIL ACTION NO.: 12-0395

VERSUS

JUDGE DOHERTY

HARTFORD LIFE & ACCIDENT INS. CO.,
A/K/A HARTFORD

MAGISTRATE JUDGE HILL

MEMORANDUM RULING

Currently pending before this Court is a Motion for Summary Judgment [Doc. 13], filed by defendant Hartford Life & Accident Ins. Co., a/k/a Hartford (“Hartford”).

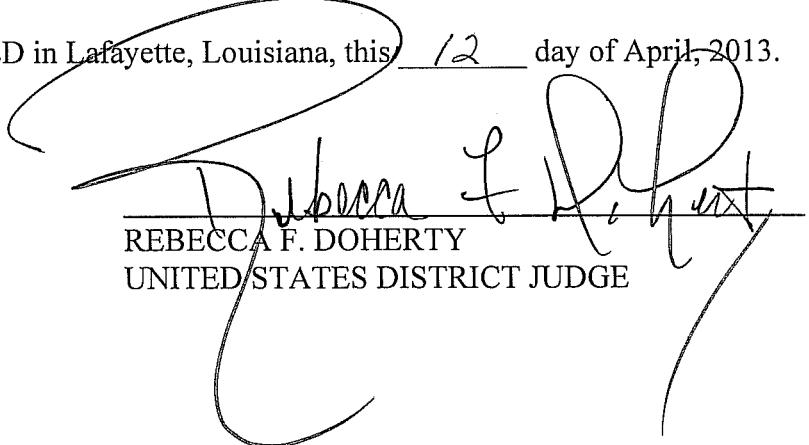
Hartford seeks judgment in its favor as a matter of law and against plaintiffs Marianne Joye, Dorian Joye, and Ciara Joye, dismissing all of the plaintiffs’ claims against it, with prejudice and at plaintiff’s cost, on grounds there is no coverage under the policy in question for the benefits sought to be recovered. Specifically, the plaintiffs seek to recover benefits under an Accidental Death and Dismemberment Policy, Policy No. ADD-10900 (“the AD&D Policy”), issued to the decedent, Gary Joye, and effective February 1, 2010. On January 11, 2011, Gary Joye died of complications from pneumonia. In its motion, Hartford argues the AD&D Policy does not cover Mr. Joye’s death, because Mr. Joye’s death did not result from any kind of accident, but rather, solely from sickness or disease not covered by the AD&D Policy. Therefore, Hartford argues Mr. Joye’s death is not a covered loss under the Policy, and the plaintiffs are not entitled to recover any benefits under the Policy.¹ The motion is unopposed.

¹ In support of its motion, Hartford attaches a copy of the AD&D Policy, Mr. Joye’s medical records, and the transcript of the deposition of Dr. Joel Carney, the forensic pathologist who performed Mr. Joye’s autopsy.

After a review of the record and considering the foregoing, the Motion for Summary Judgment [Doc. 13] filed by Hartford Life & Accident Ins. Co., a/k/a Hartford, appearing to be well-founded in law and fact and being unopposed by the plaintiffs, is hereby GRANTED, and the claims of the plaintiffs Marianne Joye, Dorian Joye, and Ciara Joye against Hartford are DENIED AND DISMISSED WITH PREJUDICE. As a prevailing party, Hartford is entitled to its costs. *See Fed. R.Civ. P. 54(d) (“Unless a federal statute, these rules, or a court order provides otherwise, costs – other than attorneys’s fees – should be allowed to the prevailing party....”).*

As the instant Ruling adjudicates all claims alleged in the lawsuit, Hartford is entitled to a final judgment in its favor. The parties shall submit a final judgment, approved as to form, within ten (10) days fo the date of this Ruling.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 12 day of April, 2013.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE